

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

RODNEY WILLIAM WOLFE, #351099 *

Plaintiff,

v.

* CIVIL ACTION NO. PJM-08-3479

THOMAS ROUTZAHN *

J.R. FOOTEN

WASHINGTON COUNTY SHERIFF DEPT. *

Defendants.

ORDER

Plaintiff filed a *pro se* 42 U.S.C. § 1983 prisoner civil rights action on December 24, 2008, alleging that he was subject to excessive force during the course of a January 24, 2007 arrest by local officers in Washington County, Maryland. Defendant Washington County Sheriff Department has filed a Motion to Dismiss (Paper No. 8), and Defendants Routzahn and Footen have filed Answers to the Complaint. Paper Nos. 9 & 10.

On April 16, 2009, counsel entered an appearance on behalf of Plaintiff. Paper No. 14. On April 17, 2009, Plaintiff filed a Consent Motion to Dismiss Washington County Sheriff's Department, agreeing that it is not a legal entity capable of being sued. Paper No. 15. In addition, Plaintiff has filed a Motion for Leave to File [an] Amended Complaint. Paper No. 16.

After review of the pleadings the Court deems it appropriate to grant the Consent Motion to Dismiss. The Motion to Dismiss filed by Washington County Sheriff Office shall be denied as moot. Finally, the Motion for Leave to File [an] Amended Complaint shall be denied as moot. No previous amendment has been filed by Plaintiff and a responsive pleading has not yet been filed by

Defendants. Therefore, leave to amend is not required. *See* Fed. R. Civ. P. 15(a). The Amended Complaint shall be accepted for filing. The Clerk shall amend the docket accordingly.¹

Accordingly, it is this 4th day of May, 2009, by the United States District for the District of Maryland, hereby ORDERED that:

1. Defendant's Motion to Dismiss (Paper No. 8) IS DENIED as moot;
2. Plaintiff's Consent Motion Dismiss (Paper No. 15) IS GRANTED;
3. The Complaint against Defendant Washington County Sheriff Department IS DISMISSED WITHOUT PREJUDICE;
4. Plaintiff's Motion for Leave to file [an] Amended Complaint (Paper No. 16) IS DENIED as moot;
5. The Clerk SHALL AMEND the docket to add Washington County as a party defendant and to reflect the correct name of Defendant Joel Footen; and
6. The Clerk SHALL SEND a copy of this Order to counsel of record.

/s/
PETER J. MESSITTE
UNITED STATES DISTRICT JUDGE

¹ Counsel for Plaintiff is responsible for effecting service of the Amended Complaint on Defendants.